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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

J.L., *et al.*, on behalf of themselves and all
 others similarly situated,

 Plaintiffs,

 v.

 LEE FRANCIS CISSNA, Director, United
 States Citizenship and Immigration Services, *et*
al.,

 Defendants.

Case No. 5:18-CV-4914 NC

**DEFENDANTS' ANSWER TO CLASS
 ACTION COMPLAINT FOR
 DECLARATORY AND INJUNCTIVE
 RELIEF**

Date: March 29, 2019

Hon. Nathanael M. Cousins

DEFENDANTS' ANSWER TO CLASS ACTION COMPLAINT

FOR DECLARATORY AND INJUNCTIVE RELIEF

Defendants, by and through their undersigned counsel, hereby Answer Plaintiffs' First Amended Complaint (ECF No. 70) as follows. The numbered paragraphs of this Answer correspond to the numbered paragraphs of the First Amended Complaint. Any allegation that is not specifically admitted is denied.

INTRODUCTION

1. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants deny the allegations contained in this paragraph. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief whatsoever.

2. This paragraph consists of legal conclusions for which no response is required. The statutes and regulations referenced speak for themselves. To the extent a response is required, Defendants deny that the definition of Special Immigrant Juvenile (SIJ) requires or instructs state courts to make "SIJ Findings". Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief.

3. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants deny the allegations contained in this paragraph. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief.

4. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants deny the allegations contained in this paragraph. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief.

5. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants deny the allegations

1 contained in this paragraph. Defendants deny that any violations of law occurred and deny that
2 Plaintiffs are entitled to any relief.

3 6. This paragraph consists of legal conclusions and Plaintiffs' characterization of their case for
4 which no response is required. The referenced statutes and United States Citizenship and
5 Immigration Services ("USCIS") Policy Manual speak for themselves. Defendants aver that the SIJ
6 statute provides a path to permanent residency, but, to the extent a response is required, Defendants
7 deny all other allegations, implied or explicit, in this paragraph.

8 7. Defendants admit that Plaintiffs received a guardianship order from the Probate Division of
9 the California Superior Court pursuant to California Probate Code 1510.1(a), and that Plaintiffs
10 submitted SIJ petitions to USCIS. Defendants are without sufficient knowledge or information to
11 form a belief as to the truth of the remaining factual allegations and on this basis, deny them. The
12 remainder of this paragraph consists of legal conclusions for which no response is required. The
13 referenced provision of the California Probate Code speaks for itself. To the extent a response is
14 required, Defendants deny all other allegations.

15 8. This paragraph consists of legal conclusions for which no response is required. The
16 referenced provision of the California Probate Code, the Special Immigrant Juvenile Statute, and the
17 California Code of Civil Procedure speak for themselves. To the extent a response is required,
18 Defendants deny the allegations in this paragraph.

19 9. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
20 which no response is required. Insofar as a response is required, Defendants deny the allegations
21 contained in this paragraph. Defendants deny that USCIS has imposed a new ultra vires requirement
22 on SIJ petitioners. Defendants deny that any violations of law occurred and deny that Plaintiffs are
23 entitled to SIJ classification.

24 10. This paragraph sets forth Plaintiffs' characterization of this action, including their legal
25 conclusions, to which no response is required. To the extent a response is required, Defendants deny
26

1 the allegations in this paragraph. Defendants deny that any violations of law occurred and deny that
2 Plaintiffs are entitled to any relief.

3 11. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
4 which no response is required. Insofar as a response is required, Defendants admit that USCIS
5 issued a statement on April 24, 2018, but deny Plaintiffs' characterization of the statement.
6 Defendants deny the remaining allegations contained in this paragraph. Defendants deny that any
7 violations of law occurred and deny that Plaintiffs are entitled to any relief whatsoever.

8 12. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
9 which no response is required. Insofar as a response is required, Defendants deny the allegations
10 contained in this paragraph. Defendants deny that any violations of law occurred and deny that
11 Plaintiffs are entitled to any relief.

12 13. This paragraph contains Plaintiffs' characterization of their case, requested relief, and legal
13 arguments, to which no response is required. To the extent a response is required, Defendants deny
14 the allegations in this paragraph. Defendants deny that any violations of law occurred and deny that
15 Plaintiffs are entitled to any relief whatsoever.

16 **JURISDICTION, VENUE, AND INTRADISTRICT ASSIGNMENT**

17 14. This paragraph is a characterization of Plaintiffs' statement on jurisdiction to which no
18 response is required.

19 15. This paragraph is a characterization of Plaintiffs' statement on jurisdiction to which no
20 response is required.

21 16. This paragraph is a characterization of Plaintiffs' statement on venue to which no response is
22 required.

23 17. This paragraph is a characterization of Plaintiffs' statement on venue to which no response is
24 required.

PARTIES

A. Plaintiffs

18. Defendants admit that J.L. is a 19-year-old citizen of New Zealand who submitted her I-360 petition for SIJ classification to USCIS on March 15, 2017. USCIS admits that her petition was denied on April 17, 2018. Defendants are without sufficient knowledge or information to form a belief as to the truth of the assertions contained in this paragraph. The remaining allegations in this paragraph consist of Plaintiffs' characterization of her claims, which require no response.

Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief.

19. Defendants admit that M.G.S. is a 20-year-old citizen of Guatemala who submitted his I-360 petition for SIJ classification to USCIS on September 5, 2017. USCIS admits that his petition remains pending. The remaining allegations in this paragraph consist of Plaintiffs' characterization of his claims, which require no response. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief.

20. Defendants admit that M.D.G.B. is a 22-year-old citizen of Mexico who submitted her I-360 petition for SIJ classification to USCIS on February 7, 2017. USCIS admits that on April 24, 2018, M.D.G.B. was issued a Notice of Intent to Deny in connection with her pending I-360 petition. The remaining allegations in this paragraph consist of Plaintiffs' characterization of her claims, which require no response. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief.

21. Defendants admit that J.B.A. is a 22-year-old citizen of Mexico who submitted her I-360 petition for SIJ classification to USCIS on February 6, 2017. USCIS admits that on July 20, 2018, J.B.A. was issued a Notice of Intent to Deny in connection with her pending I-360 petition. The remaining allegations in this paragraph consist of Plaintiffs' characterization of her claims, which

1 require no response. Defendants deny that any violations of law occurred and deny that Plaintiffs
2 are entitled to any relief.

3 **B. Defendants**

4 22. Defendants admit that Mr. Cissna, Ms. Nielson, and Mr. Cowan are sued in their official
5 capacities. The remainder of this paragraph constitutes Plaintiffs' characterization of Mr. Cissna's,
6 Ms. Nielson's, and Mr. Cowan's functions and responsibilities, to which no response is required.

7 23. Defendants admit that Lee Francis Cissna is the Director of USCIS, that Mr. Cissna is being
8 sued in his official capacity, and that USCIS is an "agency" within the meaning of the
9 Administrative Procedure Act ("APA"). The second and third sentences of this paragraph constitute
10 Plaintiffs' characterization of Mr. Cissna's function and responsibility, to which no response is
11 required. The remainder of this paragraph consists of legal conclusions for which no response is
12 required.

13 24. Defendants admit that Kirstjen Nielson is the Secretary of Homeland Security, that USCIS is
14 a component of the Department of Homeland Security ("DHS"), that DHS is an "agency" within the
15 meaning of the APA, and that Ms. Nielson is being sued in her official capacity. The second and
16 third sentences of this paragraph constitute Plaintiffs' characterization of Ms. Nielson's function and
17 responsibility, to which no response is required. The remainder of this paragraph consists of legal
18 conclusions for which no response is required.

19 25. Defendants admit that Robert M. Cowan is the Director of the USCIS National Benefits
20 Center ("NBC"), and that Mr. Cowan is being sued in his official capacity. The second half of the
21 first sentence of this paragraph constitutes Plaintiffs' characterization of NBC's function and
22 responsibility, to which no response is required.

23 26. Defendants admit that DHS is an executive agency of the United States and an "agency"
24 within the meaning of the APA. Defendants admit that USCIS is a component of DHS, and that
25 USCIS adjudicates SIJ petitions. The third sentence of this paragraph constitutes Plaintiffs'
26

1 characterization of USCIS's function and responsibility, to which no response is required.

2 Defendants admit the final sentence of this paragraph.

3 **BACKGROUND**

4 **I. [ALLEGATION THAT] THE SIJS STATUTE GRANTS HUMANITARIAN RELIEF TO**
5 **VULNERABLE IMMIGRANT CHILDREN UNDER THE AGE OF 21 WHO HAVE BEEN**
6 **PLACED IN THE CUSTODY OF AN INDIVIDUAL APPOINTED BY A JUVENILE COURT**

7 **A. The [Alleged] History and Expansion of the SIJS Statute**

8 27. This paragraph consists of legal conclusions for which no response is required. The
9 referenced statute speaks for itself.

10 28. This paragraph and corresponding footnote 1 consist of legal conclusions and Plaintiffs'
11 theory of the case and characterization of the facts for which no response is required. The
12 referenced statutes and regulations speak for themselves and are the best evidence of their contents.

13 29. This paragraph and corresponding footnote 2 consist of legal conclusions and Plaintiffs'
14 characterization of the facts for which no response is required. The referenced statutes and
15 regulations speak for themselves and are the best evidence of their contents.

16 30. This paragraph and corresponding footnotes 3 and 4 consist of legal conclusions for which
17 no response is required. The referenced statutes and regulations speak for themselves and are the
18 best evidence of their contents.

19 **B. The [Alleged] History of USCIS Deference to State Courts**

20 31. This paragraph consists of legal conclusions and Plaintiffs' theory of the case and
21 characterization of the facts for which no response is required. The referenced statutes and
22 regulations speak for themselves and are the best evidence of their contents.

23 32. This paragraph consists of legal conclusions and Plaintiffs' theory of the case and
24 characterization of the facts for which no response is required. The referenced USCIS Policy
25 Manual speaks for itself and is the best evidence of its contents.

33. This paragraph and corresponding footnote 5 consist of legal conclusions for which no response is required. The referenced regulations, USCIS Policy Manual, and USCIS Interoffice Memorandum speak for themselves and are the best evidence of their contents.

34. This paragraph and corresponding footnote 6 consist of legal conclusions for which no response is required. The referenced USCIS Policy Manual and statute speak for themselves and are the best evidence of their contents. To the extent a response is required, Defendants deny the accuracy of Plaintiffs' characterization of USCIS's role in consenting to SIJ status classification.

C. The [Alleged] Relevant California Legal Framework

35. This paragraph consists of legal conclusions for which no response is required.

36. This paragraph consists of legal conclusions for which no response is required. The referenced California Probate Code speaks for itself.

1. [The Allegation that] California Passed AB 900 to Provide Children Ages 18 to 20 Needed Protections

37. This paragraph and corresponding footnote 7 consist of Plaintiffs' legal conclusions to which no response is required. The referenced California Assembly Bill 900 ("AB 900"), California Probate Code Section 1510.1, and Memo. From Judicial Council of Cal., New Rules and Forms Implementing AB 900 in Guardianship Proceedings (June 30, 2016) speak for themselves and are the best evidence of their contents.

38. This paragraph consists of legal conclusions for which no response is required. The referenced legislative history speaks for itself.

2. [The Allegation that] Through AB 900, the California Legislature Expanded the Existing Guardianship Framework to 18-to-21-Year-Olds and Made a Path for SIJS for 18-to-21-Year-Olds in Accordance with the Federal SIJS Statute

39. This paragraph and corresponding footnote 8 consist of Plaintiffs' legal conclusions for which no response is required. The referenced Judicial Council memorandum, statutes, and provisions of the California Probate Code speak for themselves and are the best evidence of their

1 contents.

2 40. This paragraph consists of legal conclusions to which no response is required. The
3 referenced California Senate Judiciary Committee comment and statutes speak for themselves and
4 are the best evidence of their contents.

5 41. This paragraph consists of legal conclusions for which no response is required. The
6 referenced provisions of the California Probate Code, California Family Code, National Conference
7 of State Legislatures website, statutes, and Federal Student Aid website speak for themselves and
8 are the best evidence of their contents.

9 **D. [The Allegation that] The Probate Division of the California Superior Court is a**
10 **“Juvenile Court” with Jurisdiction to Issue SIJ Findings for Children Over 18 Years of**
11 **Age**

12 42. This paragraph consists of legal conclusions for which no response is required. The
13 referenced USCIS Policy Manual and statutes speak for themselves and are the best evidence of
14 their contents.

15 43. This paragraph consists of legal conclusions for which no response is required. The
16 referenced statutes, regulations, provisions of the California Probate Code, and California Civil
17 Procedure Code speak for themselves and are the best evidence of their contents.

18 44. This paragraph consists of legal conclusions for which no response is required. The
19 referenced provisions of the California Civil Procedure Code speak for themselves and are the best
20 evidence of their contents.

II. [THE ALLEGATION THAT] USCIS HAS IMPERMISSIBLY DENIED SIJS PETITIONS BASED ON THE IMPOSITION OF REQUIREMENTS THAT ARE CONTRARY TO THE SIJS STATUTE

A. [The Allegation that] USCIS's Unlawful Imposition of New SIJS Eligibility Requirements and its Life-Altering Impact on SIJS Petitioners Ages 18 to 20

45. Defendants admit that some SIJ petitions were erroneously adjudicated and granted prior to 2018. Defendants deny the remaining allegations contained in this paragraph. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief.

46. This paragraph and corresponding footnote 9 of consist of legal conclusions and Plaintiffs' theory of the case and characterization of the facts for which no response is required. To the extent a response is required, Defendants admit there was a pause in adjudicating SIJ petitions pending legal guidance and clarification on the statutory requirements. Defendants otherwise deny the allegations in this paragraph.

47. Defendants admit that due to inconsistency in adjudications as of February 2018, USCIS's legal counsel issued legal guidance internally clarifying the issue of what a valid juvenile court order is for purposes of establishing SIJ eligibility. Defendants also admit that USCIS's internal, legal guidance was not published on its website. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief whatsoever.

48. Defendants admit that USCIS denied SIJ petitions in accordance with the statute and regulations. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief whatsoever.

49. This paragraph contains Plaintiffs' theory of the case and characterization of the facts for which no response is required. Defendants admit that USCIS issued a NOID and denial to J.L. in accordance with the statute and regulations.

50. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants admit that Jonathan

Withington stated that no policy changes had occurred, but otherwise deny Plaintiffs' characterization of his statements. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief whatsoever.

51. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Exhibit 3 speaks for itself and is the best evidence of its contents. Insofar as a response is required, Defendants admit that Jonathan Withington issued a statement, but deny the remaining allegations and characterizations of his statements contained in this paragraph. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief whatsoever.

52. This paragraph and corresponding footnote 10 consist of contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief whatsoever.

B. [The Allegation that] USCIS Has Unlawfully Denied SIJS Applications for Children Who Received Guardianship Pursuant to Probate Code Section 1510.1(a)

1. [The Allegation that] USCIS's Conclusion That the Probate Court Must Have the Ability to Reunify the Petitioners with Their Parents Is Contrary to the Requirements in the Federal Law

53. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants deny the allegations contained in this paragraph. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief.

54. This paragraph consists of legal conclusions for which no response is required. The referenced USCIS Policy Manual, statutes, and regulations speak for themselves. To the extent a response is required, Defendants deny the allegations contained in this paragraph.

1 2. [The Allegation that] USCIS's Conclusion that the State Court Must Have the Ability to
 2 Reunify the Petitioners with Their Parents Is Not A Permissible Construction of Any Federal
 3 Law

4 55. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
 5 which no response is required. Insofar as a response is required, Defendants deny the allegations
 6 contained in this paragraph.

7 56. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
 8 which no response is required. Insofar as a response is required, Defendants admit reliance on 8
 9 C.F.R. § 204.11 in the adjudication of SIJ petitions. Defendants deny that any violations of law
 10 occurred and deny that Plaintiffs are entitled to any relief whatsoever.

11 57. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
 12 which no response is required. Insofar as a response is required, Defendants deny the allegations
 13 contained in this paragraph.

14 58. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
 15 which no response is required. Insofar as a response is required, Defendants deny the allegations
 16 contained in this paragraph.

17 3. [The Allegation that] USCIS Fails to Defer to State Courts' Child Welfare Determinations
 18 as Required Under Federal Law

19 59. This paragraph sets forth Plaintiffs' characterizations and legal conclusions, which require
 20 no response. The referenced statutes, USCIS Policy Manual, and provisions of California Probate
 21 Code speak for themselves and are the best evidence of their contents. To the extent a response is
 22 required, Defendants deny the allegations in this paragraph.

23 60. This paragraph sets forth Plaintiffs' characterizations and legal conclusions, which require
 24 no response. To the extent a response is required, Defendants deny the allegations in this paragraph.
 25
 26

C. [The Allegation that] USCIS Has Improperly Issued NOIDS, Revocations, and Denials to the Named Plaintiffs and Putative Class members in This Case

61. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Defendants deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief.

[ALLEGED] SEVERE HARM TO PLAINTIFFS

62. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants deny the allegations contained in this paragraph.

63. This paragraph and corresponding footnote 11 consist of contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants lack knowledge or information sufficient to admit or deny the allegations on this paragraph, and on this basis, deny.

64. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants lack knowledge or information sufficient to admit or deny the allegations on this paragraph, and on this basis, deny.

65. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants lack knowledge or information sufficient to admit or deny the allegations on this paragraph, and on this basis, deny.

66. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to which no response is required. Insofar as a response is required, Defendants lack knowledge or information sufficient to admit or deny the allegations on this paragraph, and on this basis, deny.

67. Defendants lack knowledge or information sufficient to admit or deny the allegations on this paragraph, and on this basis, deny.

68. This paragraph and corresponding footnote 12 contains Plaintiffs' characterization of their

1 case, the June 28, 2018, policy memorandum, and legal arguments, to which no response is
2 required. Additionally, the referenced June 28, 2018, policy memorandum, which is publicly
3 available, speaks for itself and is the best evidence of its contents.

4 69. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
5 which no response is required. Insofar as a response is required, Defendants deny that any violations
6 of law occurred and deny that Plaintiffs are entitled to any relief.

7 **CLASS ACTION ALLEGATIONS**

8 70. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
9 which no response is required. Insofar as a response is required, Defendants deny the allegations
10 contained in this paragraph.

11 71. This paragraph contains the definition of Plaintiffs' proposed class, to which no response is
12 required.

13 72. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
14 which no response is required. Insofar as a response is required, Defendants deny the allegations
15 contained in this paragraph.

16 73. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
17 which no response is required. Insofar as a response is required, Defendants deny the allegations
18 contained in this paragraph.

19 74. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
20 which no response is required. Insofar as a response is required, Defendants deny the allegations
21 contained in this paragraph.

22 75. This paragraph consists of Plaintiffs' characterization of their case and legal arguments, to
23 which no response is required. Insofar as a response is required, Defendants deny the allegations
24 contained in this paragraph.

25 76. This paragraph consists of Plaintiffs' characterization of their legal counsel, to which no
26

1 response is required.

2 **[ALLEGED] CLAIMS FOR RELIEF**

3 **COUNT ONE**

4 **FIFTH AMENDMENT — DUE PROCESS**

5 77. Defendants repeat and re-allege the answers to paragraphs 1 through 76 of the Complaint as
6 if fully set forth herein.

7 78. This paragraph consists of legal conclusions to which no response is required. The
8 referenced case law speaks for itself.

9 79. This paragraph consists of legal conclusions to which no response is required. The
10 Constitution and referenced case law speak for themselves.

11 80. This paragraph consists of legal conclusions to which no response is required. The
12 referenced case law speaks for itself.

13 81. This paragraph consists of legal conclusions to which no response is required. The
14 referenced case law speaks for itself.

15 82. This paragraph contains Plaintiffs' characterization of their case and legal arguments, to
16 which no response is required. To the extent that a response is required, Defendants deny the
17 allegations contained in this paragraph. The referenced regulations, statutes, provisions of the
18 California Probate Code, and case law speak for themselves.

19 83. This paragraph sets forth Plaintiffs' characterization of this action, including their legal
20 conclusions, to which no response is required. To the extent that a response is required, Defendants
21 deny that any violations of law occurred and deny that Plaintiffs are entitled to any relief
22 whatsoever from Defendants. Further, Defendants lack sufficient knowledge or information to admit
23 or deny whether Plaintiffs had any expectation of receiving SIJ classification, or what they would
24 base this alleged expectation on.

1 84. This paragraph sets forth Plaintiffs' characterization of this action, including their legal
2 conclusions, to which no response is required. To the extent that a response is required, Defendants
3 deny the allegations in this paragraph.

4 85. This paragraph set forth Plaintiffs' characterization of this action, including their legal
5 conclusions, to which no response is required. To the extent that a response is required, Defendants
6 deny the allegation that they imposed a new SIJ requirement, deny that any violations of law
7 occurred, and deny that Plaintiffs are entitled to any relief whatsoever from Defendants.

8 86. Defendants deny the allegations contained in the first sentence of this paragraph. The
9 remainder of this paragraph sets forth Plaintiffs' characterization of this action, their alleged harm,
10 including their legal conclusions, to which no response is required. To the extent that a response is
11 required, Defendants deny that they imposed a new requirement to SIJ eligibility, that any violations
12 of law occurred, and that Plaintiffs are entitled to any relief whatsoever from Defendants.

13 87. This paragraph sets forth Plaintiffs' characterization of this action, including their legal
14 conclusions, to which no response is required. To the extent that a response is required, Defendants
15 deny the allegations contained in this paragraph.

16 88. This paragraph sets forth Plaintiffs' characterization of this action, including their legal
17 conclusions, to which no response is required. To the extent that a response is required, Defendants
18 deny that any due process violations occurred and deny that Plaintiffs are entitled to any relief
19 whatsoever from Defendants.

20 **COUNT TWO**

21 **[ALLEGED] VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT AND THE** 22 **ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 701 ET SEQ.**

23 89. Defendants repeat and re-allege the answers to paragraphs 1 through 88 of the Complaint as
24 if fully set forth herein.

1 90. This paragraph consists of legal conclusions for which no response is required. The
2 referenced statutes speak for themselves.

3 91. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
4 which no response is required. To the extent that a response is required, Defendants deny the
5 allegations contained in this paragraph.

6 92. This paragraph consists of legal conclusions for which no response is required. The
7 referenced statutes speak for themselves.

8 93. This paragraph consists of legal conclusions for which no response is required. The
9 referenced statutes speak for themselves and are the best evidence of their contents.¹

10 94. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
11 which no response is required. To the extent that a response is required, Defendants deny that any
12 violations of law occurred and deny the allegations contained in this paragraph.

13 95. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
14 which no response is required. To the extent that a response is required, Defendants deny that any
15 violations of law occurred and deny that Plaintiffs are entitled to any relief whatsoever from
16 Defendants. Further, Defendants deny the allegation that they imposed extra-statutory SIJ
17 requirements.

18 96. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
19 which no response is required. To the extent that a response is required, Defendants deny that any
20 violations of law occurred and deny that Plaintiffs are entitled to any relief whatsoever from
21 Defendants.

22 97. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
23 which no response is required.

24
25 ¹ Defendants deny, however, that "being appointed a guardian" accurately portrays the requirements for
26 SIJ status under 8 U.S.C. § 1101(a)(27)(J)—as Plaintiffs imply in their parenthetical—because this
requirement is not written anywhere in the statute or the INA.

COUNT THREE

ADMINISTRATIVE PROCEDURE ACT —

[ALLEGED] ARBITRARY AND CAPRICIOUS ACTION

98. Defendants repeat and re-allege the answers to paragraphs 1 through 97 of the Complaint as if fully set forth herein.

99. This paragraph consists of legal conclusions for which no response is required. The referenced statutes and cases law speak for themselves. To the extent a response is required, Defendants deny the allegations contained in this paragraph.

100. This paragraph consists of legal conclusions for which no response is required. The referenced statutes and case law speak for themselves.

101. This paragraph consists of legal conclusions for which no response is required. The referenced statutes and case law speak for themselves.

102. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in this paragraph.

103. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in this paragraph.

104. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in this paragraph.

105. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in this paragraph.

106. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to

1 which no response is required. To the extent that a response is required, Defendants deny that any
 2 violations of law occurred and deny that Plaintiffs are entitled to any relief whatsoever from
 3 Defendants.

4 107. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
 5 which no response is required. To the extent that a response is required, Defendants deny the
 6 allegations contained in this paragraph.

7 108. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
 8 which no response is required. To the extent that a response is required, Defendants deny the
 9 allegation contained in this paragraph.

10 **COUNT FOUR**

11 **ADMINISTRATIVE PROCEDURE ACT —**

12 **NOTICE-AND-COMMENT RULEMAKING**

13 109. Defendants repeat and re-allege the answers to paragraphs 1 through 108 of the Complaint
 14 as if fully set forth herein.

15 110. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
 16 which no response is required. To the extent that a response is required, Defendants deny that any
 17 violations of law occurred and deny that Plaintiffs are entitled to any relief whatsoever from
 18 Defendants.

19 111. This paragraph contains Plaintiffs' legal arguments, to which no response is required. To the
 20 extent a response is require, Defendants admit that USCIS is an agency as defined in the APA, but
 21 deny the remaining allegations contained in this paragraph.

22 112. Defendants deny the allegations contained in this paragraph.

23 113. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
 24 which no response is required. To the extent that a response is required, Defendants deny that
 25
 26

1 notice-and-comment rulemaking apply to this case, or that any violations of law occurred and deny
2 that Plaintiffs are entitled to any relief whatsoever from Defendants.

3 114. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
4 which no response is required. To the extent that a response is required, Defendants deny that they
5 imposed a new SIJ eligibility requirement, deny that any violations of law occurred and deny that
6 Plaintiffs are entitled to any relief whatsoever from Defendants.

7 115. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
8 which no response is required. To the extent that a response is required, Defendants deny the
9 allegations contained in this paragraph.

10 **COUNT FIVE**

11 **ADMINISTRATIVE PROCEDURE ACT —**

12 **[ALLEGED] CONSTITUTIONAL VIOLATION**

13 116. Defendants repeat and re-allege the answers to paragraphs 1 through 115 of the Complaint
14 as if fully set forth herein.

15 117. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
16 which no response is required. To the extent that a response is required, Defendants deny that they
17 imposed "new" SIJ requirements, or that these alleged new requirements constitute a final agency
18 action subject to judicial review under the APA.

19 118. This paragraph consists of legal conclusions for which no response is required. The
20 referenced statute and case law speak for themselves.

21 119. This paragraph consists of legal conclusions for which no response is required. The
22 referenced statutes speak for themselves.

23 120. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to
24 which no response is required. To the extent that a response is required, Defendants deny the
25 allegations contained in this paragraph.

121. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to which no response is required. To the extent that a response is required, Defendants deny that any violations of law occurred and deny.

COUNT SIX

[REQUESTED] DECLARATORY JUDGMENT THAT THE IMPOSITION OF A NEW SIJS REQUIREMENT IS UNLAWFUL

122. Defendants repeat and re-allege the answers to paragraphs 1 through 121 of the Complaint as if fully set forth herein.

123. This paragraph consists of Plaintiffs' characterization of this case and legal arguments to which no response is required. To the extent that a response is required, Defendants deny Plaintiffs' characterization of USCIS's actions, that any violations of law occurred, or that Plaintiffs are entitled to any relief whatsoever from Defendants.

124. This paragraph consists of legal conclusions to which no response is required. To the extent a response is required, Defendants deny all allegations.

125. This paragraph consists of legal conclusions to which no response is required. To the extent a response is required, Defendants deny all allegations.

126. This paragraph consists of legal conclusions to which no response is required. To the extent a response is required, Defendants deny all allegations.

127. This paragraph consists of legal conclusions to which no response is required. To the extent a response is required, Defendants deny all allegations.

[ALLEGED] PRAYERS FOR RELIEF

The remainder of Plaintiffs' Complaint is a prayer for various forms of relief. Defendants deny that Plaintiffs are entitled to any relief whatsoever.

WHEREFORE, the Court should enter judgment in favor of Defendants, and award Defendants such other relief as the Court deems proper.

GENERAL DENIAL

Defendants deny each and every allegation contained in the Amended Complaint not specifically admitted in this Answer. Defendants reserve the right to amend this Answer if further facts are developed or if errors in drafting this Answer are discovered.

AFFIRMATIVE DEFENSES

Defendants reserve the right to raise any of the affirmative defenses set forth in Federal Rule of Civil Procedure 8, should any subsequent discovery disclose facts that support those defenses. Defendants reserve the right to prepare and plead any and all defenses which may become applicable during the course of this litigation.

Dated: March 29th, 2018

Respectfully submitted,

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PROOF OF SERVICE

I, Katelyn Masetta-Alvarez, hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will provide electronic notice and an electronic link to this document to all attorneys of record.

/s/ Katelyn Masetta-Alvarez
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